IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.525 OF 2006
IN
NOTICE OF MOTION NO.1984 OF 2006
IN
SUIT NO.2448 OF 2002

Cukkemane Ramayia Ashok Kumar & Anr. .. Appellants
V/s
Ramesh Poojari & Ors. .. Respondents

Mr.Rajiv Narulla i/by M/s.Jhangiani, Narula & Associates for the Appellants.

Mr.A.L.Gore for Respondent Nos.1 to 3.

Mr.C.J.Abhyankar for Society.

CORAM: DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.

DATE : 9th August, 2006.

P.C.:

1. Heard the learned Counsel for the parties. Appeal is admitted. By consent of all the parties, taken up for final hearing. By this Appeal, the Appellants-Plaintiffs are challenging the order dated 28th June, 2006 whereby the learned Single Judge has declined to grant any ad-interim relief. After perusal of the order dated 17th & 23rd August, 2002 passed by the learned Single Judge in the Notice of Motion No.1985 of 2002 it is very clear that the Respondents' conducting agreement came to an end on 31st October, 2004. It is submitted on behalf of the Appellants that the Appellants are the owners of the said suit premises. There is no dispute that right from 2003 till date the premises are kept in a locked condition in the custody of the Court Receiver. The Respondents do not have any right after 31st October, 2004. The learned Counsel for

the Respondents has submitted that the Respondents had handed over a sum of Rs.8 lakhs to the Appellants by way of a security deposit, however it is disputed by the learned Counsel for the Appellants.

2. Having regard to the facts and circumstances of the case, we allow the Court Receiver to continue. The Court Receiver will have a formal possession of the suit premises. The Appellants be put in possession of the suit premises as agents of the Court Receiver without any security or royalty. The Appellants shall enter into an agency agreement within a period of four weeks from today.

3. The learned Counsel for the Appellants has made a statement that the Appellants will not part with possession of or create any third party rights or induct any third party in the suit premises without giving four weeks prior notice in writing to the Respondents as well as to the Court Receiver.

4. Appeal stands disposed of in terms of the above.

(DR.S.RADHAKRISHNAN, J.)

(S.J.VAZIFDAR,J.)